

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 8, 2015**

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**PARK CITY COUNCIL MEETING MINUTES
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CLOSED SESSION

To discuss Property and Personnel

WORK SESSION

Council Questions and Comments

Mayor Thomas acknowledged the loss of Sam Jackenthal.

Council Member Matsumoto reported that she attended the school district joint meeting. She also went on an EPA tour of assessment sites; it was interesting to look at them in a different way and to take the tour with county people. She attended the Historic Preservation Board meeting where they discussed what we should be adding to the description of our vernacular to better preserve our historic district. It was an interesting meeting.

Council Member Beerman attended the last session of the leadership class where the speaker was Walter Wright. The Council is invited to visit with Leadership this evening as they welcome the new class and graduate the old one. Attended the Recreation Advisory Board (RAB) meeting where they said the ice feasibility study will be done in October with ideas for a second ice rink. The recreation master plan should be finished in January. He discussed structural changes in Mountain Accord as they move into Phase II. They'll have to issue a new RFP to manage Mountain Accord. UTA is currently handling the funding, and Mountain Accord has asked the Wasatch Front Regional Council to handle the RFP for the Phase II program director. They are looking for a stop-gap that is neutral and can take both federal and state funding to manage Mountain Accord until they can become a separate entity. City Manager Diane Foster offered to put it on a future consent agenda.

Council Member Henney attended a Main Street tenant meeting with the Historic Park City Alliance (HPCA) and other stakeholders, and it was his opinion that there was a broad consensus for government to create a better environment for local businesses to thrive on Main Street. The concern is that the free market is pushing rents higher, which will eventually push local businesses off Main Street if nothing is done. Both business owners and free market advocates agree something needs to be done. They are looking at possibly adding more retail space on Swede Alley, which would create more supply to counter the demand issue that's driving rents higher. Council Member Matsumoto recalled that there had been a discussion of what can be done with buildings on Main Street that are not being used. She requested a discussion of that at a future meeting. Foster said it will be on the next agenda.

Council Member Simpson attended the Utah League of Cities and Towns Wildland Fire Policy Working Group and has requested to take Chad as our building official with her to the next meeting because they will be discussing wildland urban interface ordinances. She thinks the new tables and benches in the Bob Wells plaza look awesome. She requested a change in the new recycle bins on Main Street to

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distinguish the recycle bins from trash bins.

Mayor Thomas attended the Historic Society meeting as liaison and they talked about the mining structure issues in the community. They have \$50,000 of new money. He also attended a fund raiser for Sam Jackenthal and his family. He has attended a number of meetings regarding poverty in Park City. This is a segment of the community that is often underrepresented even though they serve in so many areas and he would like to allocate some staff time to dealing with that.

Foster attended a meeting on poverty and explained there are a lot of Latino leaders from the community involved like heads of PTAs. The group is multi-jurisdictional, i.e., Park City, Summit County, the School District, non-profits like the Christian Center, the Education Foundation, etc. They're focusing on low-income and poverty issues not necessarily Latino specific issues. They've identified some of the gaps, such as after-school programs and daycare. Another problem is that there is no one source for information for people in need so they are working on solving that. Council Member Simpson said she's very supportive of this focus, but cautioned that they should be careful to reach out to all potential community partners. Simpson had talked to some non-profits that didn't know about the Mayor's focus on poverty and the group that is forming. Foster says they're in the process of informing everyone but that they initially want to talk to Latino leaders to focus on needs. They made a matrix of the organizations already involved in serving those at the poverty level and noted where the gaps are. Council agreed that they should move forward with addressing this issue.

Nate Rockwood, Budget, Debt, & Grants Manager, discussed how the sales tax will be collected for the Epic Pass. The City was concerned in August and September 2014 about how to collect the sales tax. Vail will track the use of the tickets and Epic Pass at each location where they are used. Initially they will estimate, and as the season goes on, they will get actual data and appropriate tax rates will be determined at that time. Foster clarified that there was a concern about this at the County Council meeting last night, and she has talked to them and their concerns have been addressed.

Alice Claim Subdivision Site Visit and Work Session

Council member Beerman asked if this should not go to the Planning Commission first since it's a new application. City Attorney Mark Harrington stated that is the Council's decision, and with additional Information they may have more perspective. Council Member Matsumoto confirmed with Harrington that they are not being asked to approve the Gully Plan tonight.

Senior Planner Francisco Astorga presented the staff report and said Staff is requesting Council visit the site for the purpose of seeing conditions and discussing the new submission from the applicant. He reports that on August 12, 2015, the Planning Commission forwarded a negative recommendation and denied a CUP for retaining walls. The applicant filed an appeal and also submitted the Gully Plan with a condition that Council review it first before the Planning Commission. It is up to Council whether they will take public comment. Staff recommended that Council take public comment and limit comment to whether the Council should accept the Gully Plan. He noted that the Gully Plan more closely conforms with the general plan and land management code. The lots will be about 4,510 - 2.5 times the size of an Old Town Lot. The estate lots would be 3 acres.

Council Member Matsumoto noted that the Planning Commission asked them to bring the lot size down and put them in the gully, but then they would be in the floodplain. She asked why it is coming to Council rather than the Planning Commission. Harrington explained that their condition is more of a reservation of rights, and the Council can remand it back to the Planning Commission; but if they do, the applicant will go back to their original plan. This is an offer to go back to a plan Staff was trying to get prior applicants to consider, and they do not have the time or resources to start over. This is an attempt

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to keep all parties involved, but if Council wants a full review by the Planning Commission, they can certainly request that. Harrington says he just wants Council to have full review so they can make a decision.

Council Member Henney stated this plan is the one they've been directed to review for a number of years. It makes no sense to him that only Council gets to look at it. Planning Director Bruce Erickson explained that the intent is to receive a policy decision from Council saying this is a more appropriate design. Staff has looked at the plan at a high level, and they think it is time for a policy review by Council. Council Member Matsumoto stated this process seems backwards, but the point is to get the best possible development they can to meet the community goals and needs. She believed Council would have to go through a long process of learning how to review this.

Council Member Beerman agreed with the other members' concerns, saying he believes they are short-circuiting the process by not letting Planning Commission review this. The process is in place for a purpose, and it did not make sense to him to do this. Council Member Simpson thinks they need to do the site visit and hear the applicant's presentation and then have further discussion.

Mayor Thomas believes a lengthy process is not the city's fault; the process is the process and there is a benefit to having a full review by the Planning Commission. If someone brings forth an application that meets all the criteria, it will quickly be approved. .

Physical Tour of the Alice Claim Property – South of intersection of King Road, Ridge Avenue and Sampson Avenue, Park City, Utah

Return from Site Tour and Presentation by Applicant

Brad Cahoon, Greg Brown, Mark, Jerry Fiat with King Development, and Joe Tesch represented the applicants. Cahoon reviewed the law as it relates to what Council can do with the Planning Commission's recommendations and said Council has the final decision. Nothing in the code requires Council to send this back to the Planning Commission once they have considered it.

Regarding the background of this project, Cahoon explained King Development had an interest in purchasing Alice Claim and building a development that would meet residential zoning and generate funds to clean up all of Alice Claim—the private portion and the city's portion. The plan was to dispose of the hazardous soil at Richardson Flat and it was represented to King Development that if they purchased the property and cleaned up Alice Claim they could take the soils to Richardson Flat. Based on that representation, King Development purchased the property in 2005. Before the purchase they submitted a nine-lot plan to the Planning Department. In 2008 the city entered into a voluntary clean-up agreement along with King Development as a co-applicant. Due to the recession there was a lull in development. Then in October 2014, the plan went to the Planning Commission, who provided positive feedback; therefore, the owners invested in engineering and further planning. In April 2015 the Planning Commission was still positive about the plan but requested additional adjustments. The applicant did more work on the plan, and in June 2015 Staff recommended a positive recommendation. At this point, Planning Commission turned and asked Staff to prepare findings for a negative recommendation. The applicant then received a call from the Legal Department suggesting they submit the Gully Plan. Because of their history with the Planning Commission, the applicant had no interest in continuing with them because of all the costs and the negative recommendation.

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Harrington stated the city disagrees with the facts regarding the environmental portion of the applicant's presentation. He also clarified that the Legal Department did not request they submit this plan. The applicant asked Legal what options might be available to them and the applicant decided to make this proposal.

Greg Brown, DHM Design, representing the applicant, provided images of early studies and discussed the history of the remediation plan and problems with the access road. He presented an image of the remediation application, which included the house sites, which was necessary to determine the level of cleanup that would have to be done. He presented photographs of the site pre-cleanup and indicated that the creek ran through the tailings. He also showed photographs of the site after remediation.

Council Member Matsumoto recalled the applicant stating it had all been cleaned up, but now they are being told that the location where the city's water line is has not been cleaned up. Jerry Fiat with King Development stated they did not go onto the city's water tank property and did not know the soils there were contaminated at the time. Council Member Matsumoto asked about the city's involvement in depositing materials at Richardson Flat. Fiat explained that there was a MOU prior to King purchasing the property that would expire, and they felt they had to move forward according to the MOU to move the materials. That MOU had nothing to do with the city.

Brown explained that their first meeting with the Planning Commission in October was quite positive, and the applicant responded to their requests. In April they again felt they had received a positive response from the Planning Commission, and he reviewed changes that the commission requested at that time. He reviewed the concerns expressed at the last Planning Commission meeting and stated that the Gully Plan resolved a lot of those issues. Council Member Matsumoto asked the applicant to clarify issues regarding the retaining walls. Brown presented a diagram of the Gully Plan and discussed issues regarding the access road.

Public Input

Mayor Thomas opened the floor to public comment.

Charlie Wintzer recalled that he was here through most of the process with the Planning Commission, and his recollection of the process was different from the applicant's. The applicant came in with 9 lots, and the Planning Commission kept telling them there were too many. There are also ridgeline and retaining wall issues, and he believes this needs to go back to the Planning Commission.

Carol Sletta lives on Sampson Ave and she does not see this development fitting Park City's vision for Old Town. She believes there is a fatal flaw with the intersection, and does not believe the road should change. She believed nine houses would make this a hazardous area.

Kathryn Deckert, a resident of Daley Avenue, stated that the proposed location would be highly visible from across town and would not protect the natural environment or the vision of the city. She suggested Council view this from Rossi Hill. She asked if fire suppression had been adequately addressed and expressed concern about substandard roads. King road is compromised because people park in the street in the winter. She asked what kind of construction mitigation the applicant would propose. The Planning Commission voted unanimously to deny this project, and she would like to see that upheld.

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Brooke Hontz a resident of Daley Avenue, feels Council has been presented with two terrible options tonight of either ignoring all previous work that has been done or throwing out all the work the Planning Commission has done. The written record reflects what happened, and she wants Council to review it, because it tells a different story. Many citizens have given testimony, and Council should recognize that none of their questions have been addressed.

Adam Strachan, Planning Commissioner Chair, stated the applicant is coming to Council and making an end run around the Planning Commission with a plan they have not had an opportunity to review. He believes this is bad policy and that bypassing the Planning Commission would set a dangerous precedent. He stated things were not as positive as the applicant represented and noted the vote by Planning Commission was unanimous.

Mayor Thomas closed the public comment.

Brown stated that zoning would have allowed more lots, and they assumed the application for nine lots had already been resolved. He says that not all the lots are on the ridgeline. With regard to the walls, they are trying to get a plat approved, and the building permits will come after that, so they don't know yet exactly where the walls will be. With regard to the road, it has been studied by the applicant's and city's engineers, and they believe there is a solution for that. He went on to state the city engineer has not said that nine more lots will affect this intersection, and it is not a density issue. They have addressed fire suppression, and there were no complaints about construction during the cleanup. He believed they had taken into account all the opinions expressed over the years, and when they came in October 2014, they believed there was a strong positive perception of the site plan.

Fiat stated they did a visual analysis from Rossi Hill, which they presented to the Planning Commission, and the view of the homes will be barely visible. Staff directed them to do extensive, expensive studies, and they spent over a half million dollars on detail prior to the denial, and they feel like they got the runaround.

Cahoon stated this is a very complicated project where a significant amount of money has been spent for cleanup and other studies. Since no other applicant has done anything close to this, he does feel coming before Council first will set a bad precedent. He feels they have an opportunity to look at the Gully Plan to reach a compromise, and he would hope they could go through the process with Council to resolve this.

Erickson stated that the representation that Staff found the reports and studies acceptable is not correct. Council Member Matsumoto recognized the developer's right to develop the property but feels the applicant has developed a timeline that tries to put the city at fault. She likes the Gully Plan better and would like to see them go forward with that to the Planning Commission, saying it could be a quick process since they've already done so many studies. Council member Beerman agreed. Council Member Simpson feels like they are stuck between a better plan and a bad process. She believes it will be faster for the applicant to go back through the Planning Commission. Council Member Henney stated that they have excellent, competent Planning Commission people and does not want to do their job. He remands this back to the Planning Commission. Mayor Thomas stated that he values the Planning Commission process and he also believes this should go back to them.

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CUP appeal and public hearing to be scheduled at a future meeting

Mountain Accord – Wasatch Mountains Land Designation Discussion

Ann Ober discussed the new title for the Mountain Accord land designation.

Council Member Simpson stated she likes Staff's recommendation. Council Member Beerman says the name is less significant than the fact they are preserving the land. He explained there does not seem to be a desire to designate the land as a National Monument. They agree on the principles of what they are trying to do, they are just trying to decide how to designate it.

REGULAR MEETING

- I. ROLL CALL** - Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 pm at the Marsac Building on Thursday, August 20, 2015. Members in attendance were Jack Thomas, Andy Beerman, Liza Simpson, Tim Henney and Cindy Matsumoto. Council member Dick Peek was excused. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Heinrich Dieters, Sustainability; Bruce Erickson, Planning Director and John Boehm and Anya Grahn, Planning.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report – Update on Early Morning Deliveries Policy in Old Town and Response to Resident Complaint
2. Manager's Report – Historic Preservation Quarterly Update

Council Member Beerman commented that he did not see that they got the information regarding penalties for accidental demos. Erickson explained they are still working on some items.

3. Manager's Report – Response to a Council Request regarding the Residency Characteristics of Park City's Workforce
4. Manager's Report – Response to the Hillside Pathway Request

Council Member Beerman stated there is merit in the request. Heinrich Deters, Sustainability, explained they have counters to track use on the trail. He has talked to Alliance Engineering about doing some survey work and says they should be able to come back in the spring with a recommendation. Council Member Simpson stated she is content to wait until they have use counts.

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Tony Naples stated she has noticed that lately the police have become more stringent with leash laws for dogs. She feels we need a dog park in Old Town because there is no place to take dogs without the police following them around. She states they don't want dogs at the library park anymore. There is one area called the shoe park that she proposes they make a dog park. She Says residents pay a lot of taxes and deserve a dog park. She stated that they are also competing with skate boarders and mountain bikers at City Park, and she has

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almost been run over several times. Council Member Simpson suggested Naples give input to the Recreation Advisory Board.

Chad Ambrose with Rocky Mountain Power reintroduced himself and pledged to help the city with their sustainability efforts as he is aware that renewable energy is very important for Park City.

IV. CONSIDERATION OF MINUTES

1. Consideration of a Request to Approve the City Council Meeting Minutes for July 9, 2015

Council member Simpson moved to approve the City Council meeting minutes for July 9, 2015.

Council member Beerman seconded.

**Voting Aye: Beerman, Henney, Matsumoto, Simpson
Council member Peek was excused**

V. CONSENT AGENDA

1. Appoint 2015 Election Poll Workers for the 2015 General Election
2. Consideration of a Request to Proclaim November 1, 2015, as Extra Mile Day in Park City, Utah

Council member Simpson moved to approve the consent agenda

Council member Beerman seconded

**Voting Aye: Beerman, Henney, Matsumoto, Simpson
Council member Peek was excused**

VI. NEW BUSINESS

1. Consideration of an Ordinance of the First Amended, Fourth Supplemental Record of Survey for Summit Watch at Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

John Boehm, planning, recommended Council hold a public hearing and approve the ordinance. Changes would be reviewed administratively by staff.

Public Hearing

Mayor Jack Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

Council member Matsumoto moved to approve an ordinance of the first amended, Fourth supplemental record of survey for Summit Watch at Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval, in a form approved by the city attorney

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**Council member Simpson seconded
Voting Aye: Beerman, Henney, Matsumoto, Simpson
Council member Peek was excused**

2. Consideration of an Ordinance of the AGIO 260 Second Amended Condominium Plat at 260 Main, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Anya Grahn, planning, explained that this ordinance is to memorialize the changes done during the Historic District design review and recommended Council's approval.

Public Hearing

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Henney moved to approve an ordinance of the AGIO 260 second amended condominium plat at 260 Main, Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval, in a form approved by the city attorney
Council member Simpson seconded
Voting Aye: Beerman, Henney, Matsumoto, Simpson
Council member Peek was excused**

VII. ADJOURNMENT

**Council member Matsumoto moved to adjourn
Council member Simpson seconded
Voting Aye: Beerman, Henney, Matsumoto, Simpson
Council member Peek was excused**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 12:30 pm. Members in attendance were Mayor Jack Thomas, Andy Beerman, Tim Henney, Liza Simpson and Cindy Matsumoto. Council member Dick Peek was excused. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Jonathon Weidenhamer, Economic Development Manager; Heinrich Dieters, Sustainability; Brooke Moss, Human Resource Manager and Alfred Knotts, Transportation Planning Manager. **Council member Simpson moved to close the meeting to discuss Property and Personnel. Council member Beerman seconded. Motion Carried.**

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Katie Madsen.

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